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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,591	03/30/2001	Bernardo Elayda	X-851 US	6851

24309 7590 02/25/2004

XILINX, INC  
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EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/823,591

**Applicant(s)**

ELAYDA ET AL.

**Examiner**

CongVan Tran

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-32, 34-38 and 40-42 is/are rejected.
- 7) ☐ Claim(s) 27, 33 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, and 25-26, 31-32, 37-38, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Parkinson et al. (6,088,457).

Regarding claims 1, 6, and 25-26, 31-32, 37-38, 41, Parkinson discloses a method and apparatus for over the air programming a communication device comprising a wireless transceiver for receiving said digital data from said remote host (see abstract, fig.14, element 1401, 1405, fig.3, element 301 and its description); a base band unit connected to said wireless transceiver to perform data processing operations on said digital data (see fig.3, element 302 and its description); and a programmable logic component connected to said base band unit using said digital data to configure said programmable logic component (see fig.3, element 304 and its description).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2683

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 7-24, 28-30, 34-36, 40, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkinson et al. (6,088,457) in view of Tang (6,389,321).

Regarding claims 7, and 11-12, 16-17, 20-21, 24, 29, Parkinson discloses a method and apparatus for over the air programming a communication device comprising a wireless circuit for communicating digital data (see abstract, fig.14, element 1401, 1405, fig.3, element 301 and its description); a base band unit connected to said wireless transceiver to perform data processing operations on said digital data (see fig.3, element 302 and its description); and a programmable logic component connected to said base band unit using said digital data to configure said programmable logic component (see fig.3, element 304 and its description); except for a circuit comprising at least two programmable logic devices. However, Tang discloses a wireless remote in-system programming comprising a circuit with at least two programmable logic devices (see fig.4, elements 404, 405 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Tang's programmable logic device to the system of Parkinson in order to allow to control and programming data in and out of each of these devices.

Regarding claims 2-3, 8, 13, Parkinson discloses all of the subject matters described in rejected claim 1, except for amplifier coupled to antenna. However, amplifier and antenna are inherent in transceiver device in order to transmit/receive and increase/decrease power of the transmission.

Art Unit: 2683

Regarding claim 4, 10, 15, 19, 23, 30, 36, 42, Parkinson discloses all of the subject matters described in rejected claim 1, except for integrated circuit is a FPGA. However, FPGA is well known in programmable integrated circuits (ICs) art. In order to program and the reprogram with the same or different bitstream, to perform same/different function.

Regarding claims 5, 9, 14, 18, 22, 28, 34-35, 40, Parkinson discloses all of the subject matters described in rejected claim 1, except for Bluetooth protocol. However, Bluetooth protocol is one of short range technologies and is well known in the art use to communicate amongst themselves in the short distance.

***Allowable Subject Matter***

5. Claims 27, 33, 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**CONGVANTRAN**  
**PATENT EXAMINER**

CongVan Tran  
Examiner  
Art Unit 2683

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